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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,270

01/25/2005

Valerie Liebhold

PA020014

8778

24498 7590 11/18/2009  
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EXAMINER

EKPO, NNENNA NGOZI

ART UNIT

PAPER NUMBER

2425

MAIL DATE

DELIVERY MODE

11/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,270	<b>Applicant(s)</b> LIEBHOLD ET AL.	
	<b>Examiner</b> NNENNA N. EKPO	<b>Art Unit</b> 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Previous claim objections are withdrawn in view of Applicant's amendment filed on 07/15/2009.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. Patent No. 7,426,537) and Myers, Jr. (U.S. Publication No. 2002/0113824).

Regarding **claims 1, 4, 7 and 10**, Lee discloses a method for modifying a play list in an audio and/or video apparatus, comprising the steps of:

displaying in a first area of a screen a representation of at least part of available tracks (see col. 16, lines 62-col. 17, lines 3, fig. 10b (1006)),

displaying in a second area of the screen at least part of the current play list (see col. 16, lines 62-col. 17, lines 3, fig. 10b (1008)),

determining a track to be considered upon a first action introduced by a user (see col. 16, lines 62-col. 17, lines 3, fig. 10b),

indicating the track to be considered by a specific representation in the first area of the screen associated with the track to be considered (see col. 16, lines 62-col. 17, lines 3, fig. 10b),

repeating the steps of determining and indicating to enable several occurrences of the same track to be added to the play list (see col. 16, lines 62-col. 17, lines 11, fig. 10b),

upon a second action introduced by the user, removing the track to be considered while represented in the first area of the screen (see col. 16, lines 50-54).

However, Lee et al. is silent as to if several occurrences of the track to be considered exist in the play list, removing the last occurrence of the track to be considered in the play list displayed in the second area.

In an analogous art, Myers, Jr. discloses, if several occurrences of the track to be considered exist in the play list, removing the last occurrence of the track to be considered in the play list displayed in the second area (see paragraph 0103).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify upon a second action introduced by the user, removing the track to be considered while represented in the first area of the screen as taught by Lee et al. to include if several occurrences of the track to be considered exist

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in the play list, removing the last occurrence of the track to be considered in the play list displayed in the second area as taught by Myers, Jr. for the purpose of allowing a user to free up space on hard drive by removing duplicate songs.

Regarding **claims 2, 5 and 8**, Lee et al. and Myers, Jr. discloses everything claimed as applied above (*see claims 1, 4 and 7*). Myers, Jr. discloses wherein the first action and the second action are actions introduced on a remote control sending signals to the apparatus (*see paragraph 0071*).

Regarding **claims 3, 6, and 9**, Lee et al. and Myers, Jr. discloses everything claimed as applied above (*see claims 1, 4 and 7*). Myers, Jr. discloses wherein said specific representation of the track to be considered is highlighting the representation in the first area of the screen associated with the back to be considered (*see paragraph 0077, lines 38-53*).

#### ***Citation of Pertinent Prior Art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Schrader et al.** (U.S. Publication No. 2003/0023975) discloses a navigation guide having a selectable music play-list (*see figures 8-13*).

#### ***Conclusion***

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/  
Patent Examiner  
November 12, 2009.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425